

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

CHRISTOPHER COX,

Petitioner,

v.

CIVIL ACTION NO. 2:23-cv-00577

DONALD F. AMES,

Respondent.

ORDER

Pending before the court are Petitioner Christopher Cox's Petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, [ECF No. 2], and Respondent Donald F. Ames' Motion to Dismiss, [ECF No. 10]. This action was referred to United States Magistrate Judge Omar Aboulhosn for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On May 17, 2024, Judge Aboulhosn submitted his Proposed Findings & Recommendations ("PF&R"), [ECF No. 23], and recommended that the court **GRANT** Respondent's Motion to Dismiss and **REMOVE** this matter from the court's docket. Neither party timely filed objections to the PF&R or sought an extension of time to do so.

A district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge

as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court hereby **GRANTS** Respondent's Motion to Dismiss, [ECF No. 10], and **ORDERS** that this action be **dismissed** and **removed** from the court's docket.

I have also considered whether to grant a certificate of appealability. *See* 28 U.S.C. § 2253(c). A certificate will not be granted unless there is "a substantial showing of the denial of a constitutional right." *Id.* § 2253(c)(2). The standard is satisfied only upon a showing that reasonable jurists would find that any assessment of the constitutional claims by this court is debatable or wrong and that any dispositive procedural ruling is likewise debatable. *Miller-El v. Cockrell*, 537 U.S. 322, 336–38 (2003); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Rose v. Lee*, 252 F.3d 676, 683–84 (4th Cir. 2001). I conclude that the governing standard is not satisfied in this instance. Accordingly, the court **DENIES** a certificate of appealability.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 5, 2024



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE